

## REMARKS/ARGUMENTS

Claims 1-2, 4-13, 21-26, and 35-41 remain in the application for further prosecution. Claims 1, 7-9, 21, 26 and 35-41 have been amended. Claim 42 had been cancelled. The Applicants request reconsideration of the application based on the claim amendments and the following remarks.

### § 102 Rejection

Claims 1-2, 4, 6-13, 21-23, 25-26, and 35-42 have been rejected under 35 U.S.C § 102(e) as allegedly being anticipated over U.S. Patent No. 6,811,486 to Luciano, Jr. (“Luciano”).

Claim 1 had been amended to include, *inter alia*, “the game asset indicating one of a plurality of game segments that the player is eligible to play for progressing the wagering game, each game segment associated with multiple award amounts.” This limitation is shown in FIGS. 8-11 and described in the specification in paragraphs [0060] – [0061]. Specifically, paragraph 60 states “[a]nother variation of this embodiment includes a series of progressive game segments, each game segment furthering the progress of the game and each having its own associated awards.” For example, in the “3 Little Pigs” embodiment, FIGS. 8 and 9 illustrate the “Stick House” bonus segment associated with a set of award amounts. FIGS. 10 and 11 illustrate the “Brick House” bonus segment associated with a different set of award amounts. (Also described in the specification, but not shown in the drawings, is the “Straw House” bonus segment.) Once a player achieves the “3 Little Pigs” bonus, the player can escalate through the different game segments and achieve each of the awards associated with the respective game segments. Paragraph [0060] (“The awards for winning each of the bonus games 30 escalate as the player progresses through the sequence of bonus games.”).

Luciano fails to disclose, *inter alia*, a game asset that includes “one of a plurality of game segments that the player is eligible to play for progressing the wagering game, each game segment associated with multiple award amounts.” Instead, Luciano discloses a secondary game that includes steps (*i.e.*, steps 1-9 in FIG. 9). Col. 9, lines 22-29. According to Luciano, a player must achieve all steps before the player is awarded extra game credits. Col. 9, lines 27-29. Thus, when returning to the secondary game of Luciano, a player may not receive extra game credits unless all steps are achieved. For example, a player going from step 5 to step 6 does not receive any award. Therefore, Luciano does not disclose game assets that include “one of a plurality of game segments that the player is eligible to play for progressing the wagering game, each game segment associated with multiple award amounts.” Because many of Luciano’s segments are not associated with award amounts, players have less of an incentive to return to a gaming machine where they do not receive extra game credits. Alternatively, players are more inclined to use their game assets and return to a gaming machine when each game segment is associated with an award amount. Therefore, for the above reasons, claim 1 is not anticipated by Luciano. Furthermore, Luciano could never be modified to result in the claimed invention because to do so would change the principle of Luciano’s invention or render Luciano unsatisfactory for its intended purpose. M.P.E.P. 2143.01. For example, modifying Luciano to include game segments having associated awards would change the overall mechanics of Luciano’s game that prompts a player to reach the last step (of a number of steps) to achieve a single, ultimate bonus award.

Claims 2, 4 and 6-13 depend from claim 1 and also recite elements not disclosed in Luciano. For example, claim 9 recites wherein “each of the multiple award amounts increases as the player progresses from one of the plurality of game segments to another.” Luciano fails to disclose increasing award amounts as the player progresses through the secondary game. In fact,

Luciano only discloses a single award amount that may be awarded if a player achieves all of the steps of the secondary game. Col. 9, lines 27-29.

Independent claim 21 has been amended to include “a method of conducting a wagering game having a series of progressive game levels on a gaming machine, each of the game levels having associated awards that change as the player progresses through the game levels.” This feature is not disclosed in Luciano. Luciano merely discloses providing a single award once the player has achieved all steps of a secondary game. Col. 9, lines 27-29. There is also no teaching in Luciano of *changing* the associated awards as the players progress through the game levels. Claim 21 also recites “providing a game asset in response to cashing out of the gaming machine, the game asset for storing the corresponding game level, the corresponding game level associated with at least two awards.” Luciana discloses only a single award. Thus, for the above reasons, Luciano cannot anticipate claim 21.

Dependent claims 22-23 and 25-26 depend from claim 21 and also recite limitations not disclosed in Luciano. For example, claim 26 recites “wherein the associated awards increase with each corresponding game level played.” This element is nowhere disclosed in Luciano, as Luciano discloses only a single award that is associated with the last step. Thus, no *increasing* awards are disclosed.

Independent claim 35 has been amended to include: “the game asset indicating at least one of a plurality of game segments that the player is eligible to play, each of the plurality of game segments having predetermined awards.” As discussed above with independent claims 1 and 21, Luciano fails to disclose, *inter alia*, a game asset indicating a plurality of game segments for progressing the wagering game, wherein each game segment is associated with multiple award amounts. Instead, in Luciano, a player must achieve all steps in a secondary game before the player is awarded extra game credits. Col. 9, lines 27-29. Thus, when returning to the

secondary game of Luciano, a player may not receive a bonus award unless all steps are achieved. Therefore, Luciano does not disclose “the game asset indicating at least one of a plurality of game segments that the player is eligible to play, each of the plurality of game segments having predetermined awards.” When, as in Luciano, many segments of a bonus game are not associated with awards, players are less inclined to return to a gaming machine. By contrast, players are more inclined to return to a gaming machine when each game segment is associated with an award amount. Thus, for at least the reasons above, claim 35 is not anticipated by Luciano. Furthermore, Luciano could never be modified to result in the claimed invention because to do so would change the principle of Luciano’s invention or render Luciano unsatisfactory for its intended purpose. M.P.E.P. 2143.01. For example, modifying Luciano to include game segments having predetermined awards would change the overall mechanics of Luciano’s game that prompts a player to reach the last step (of a number of steps) to achieve a single, ultimate bonus award.

Dependent claims 36-41 depend from independent claims 1 and 35 and further include elements not disclosed in Luciano. For example, claim 36 recites “using the at least one of the plurality of game segments to progress the wagering game and award the player with at least two of the predetermined awards.” This element is nowhere disclosed in Luciano, as Luciano discloses only a single award.

## **Conclusion**

It is the Applicants’ belief that all of the claims are in condition for allowance and action towards that effect is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Application No. 10/590,792  
Response to First Office Action dated June 22, 2009

Please charge the \$130 extension of time fee via the deposit account below. It is believed that no other fees are due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Nixon Peabody LLP Deposit Account No. 50-4181, Order No. 247079-000295USPX.

Respectfully submitted,

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